

**RESOLUTION NO. CZAB14-28-07**

WHEREAS, **JULIO C. MOLINA** applied for the following:

- (1) AU to EU-1

**REQUEST #1 ON PARCEL "A"**

- (2) MODIFICATION of Conditions #2 and #9 of Resolution 5-ZAB-201-97, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plans, the same be substantially in accordance with that submitted for the hearing entitled 'Assisted Living Facility,' as prepared by Taxis, Inc., consisting of 2 sheets dated October 31, 1998."

TO: "2. That in the approval of the plans, the same be substantially in accordance with that submitted for the hearing entitled 'Assisted Living Facility,' as prepared by Taxis, Inc., consisting of 2 sheets dated October 31, 1998 and a plan entitled 'Site Plan,' as prepared by Manuel G. Vera and Associates, Inc., consisting of 1 sheet and dated stamped received 2/2/06."

FROM: "9. That the operator of the facility must be the owner of the property and permanently reside on the property."

TO: "9. That the owner provide full-time staff 24 hours a day, 7 days a week for the care facility."

**REQUEST #2 ON PARCEL "B"**

The purpose of request #2 is to submit a revised site plan showing less property for the previously approved home for the aged and to remove the condition that the owner be the operator of the facility and reside on the site permanently; to allow staffing of the site by others than the owner.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

The aforementioned plans are on file and may be examined in the Zoning Department.

SUBJECT PROPERTY: PARCEL "A": Tract "A", THE SECOND AMENDED PLAT OF A PORTION of PORVENIR NO. 4, Plat book 43, Page 17, less the south ½ of said Tract "A" and less the east 330' thereof. AND: PARCEL "B": The east 330' of Tract "A", THE SECOND AMENDED PLAT OF A PORTION of PORVENIR NO. 4, Plat book 43, Page 17, less the south ½ of said Tract "A".

LOCATION: 29100 S.W. 172 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested modification of Conditions #2 and #9 of Resolution 5-ZAB-201-97 on Parcel "B" (Item #2), would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and should be approved, and that the requested district boundary change to EU-1 on Parcel "A" (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

WHEREAS, a motion to approve Item #2, and to deny Item #1 without prejudice, was offered by Dr. Pat Wade, seconded by Dawn Lee Blakeslee, and upon a poll of the members present the vote was as follows:

Wilbur B. Bell	aye	Gary J. Dufek	nay
Dawn Lee Blakeslee	aye	Dr. Pat Wade	aye
Curtis Lawrence		nay	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 14, that the requested modification of Conditions #2 and #9 of

Resolution 5-ZAB-201-97 on Parcel "B" (Item #2), be and the same is hereby approved subject to the following conditions:

1. That all the conditions of Resolution No. 5-ZAB-201-97 remain in full force and effect except as herein modified.
2. That the owner provide full time staffing for the care of the residents 24 hours a day, 7 days a week at the home for the aged on Parcel "B".

*BE IT FURTHER RESOLVED* that Conditions #2 and #9 of Resolution 5-ZAB-201-98, as herein modified and as applied to Parcel "B" (Item #2), shall read as follows:

2. That in the approval of the plans, the same be substantially in accordance with that submitted for the hearing entitled 'Assisted Living Facility,' as prepared by Taxis, Inc., consisting of 2 sheets dated October 31, 1998 and a plan entitled 'Site Plan,' as prepared by Manuel G. Vera and Associates, Inc., consisting of 1 sheet and dated stamped received 2/2/06.
9. That the owner provide full-time staff 24 hours a day, 7 days a week for the care facility.

*BE IT FURTHER RESOLVED* that the requested district boundary change to EU-1 on Parcel "A" (Item #1) be and the same is hereby denied without prejudice.

*BE IT FURTHER RESOLVED*, notice is hereby given to the applicant that the approval herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

*PASSED AND ADOPTED* this 16<sup>th</sup> day of October, 2007.

Hearing No. 07-9-CZ14-1  
Is

**STATE OF FLORIDA**

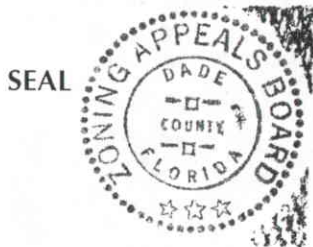
**COUNTY OF MIAMI-DADE**

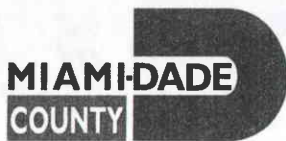
I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 14, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB14-28-07 adopted by said Community Zoning Appeals Board at its meeting held on the 16<sup>th</sup> day of October 2007.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 22<sup>nd</sup> day of October 2007.



Luis Salvat, Deputy Clerk (2678)  
Miami-Dade County Department of Planning and Zoning





Carlos Alvarez, Mayor

Planning and Zoning  
111 NW 1st Street • Suite 1210  
Miami, Florida 33128-1902  
T 305-375-2800

miamidade.gov

October 22, 2007

Julio C. Molina  
c/o Simon Ferro, Esq.  
Greenberg Traurig, P.A.  
1221 Brickell Avenue  
Miami, Florida 33131

Re: Hearing No. 07-9-CZ14-1 (06-37)  
Location: 29100 S.W. 172 Avenue,  
Miami-Dade County, Florida.

Dear Mr. Molina:

Enclosed herewith is a copy of Resolution No. CZAB14-28-07, adopted by Miami-Dade County's Community Zoning Appeals Board 14, which denied, without prejudice, your request to rezone to EU-1, and approved the request to modify conditions #2 & #9 of Resolution No. 5-ZAB-201-97 as related to the above-noted location.

Please note that any aggrieved party may appeal the Board's decision to the Board of County Commissioners, within 14 days from the date of posting on the 11<sup>th</sup> floor of the Stephen P. Clark Building, 111 N.W. 1<sup>st</sup> Street, Miami, FL 33128. The date of posting is October 22, 2007.

For information regarding filing an appeal please contact the Zoning Hearings office at the address noted above or call (305) 375-2640.

Cordially,

Lou Salvat  
Deputy Clerk

Enclosure

ADA Coordination  
Agenda Coordination  
Animal Services  
Art in Public Places  
Audit and Management Services  
Aviation  
Building  
Building Code Compliance  
Business Development  
Capital Improvements  
Citizens' Independent Transportation Trust  
Commission on Ethics and Public Trust  
Communications  
Community Action Agency  
Community & Economic Development  
Community Relations  
Consumer Services  
Corrections & Rehabilitation  
Cultural Affairs  
Elections  
Emergency Management  
Employee Relations  
Empowerment Trust  
Enterprise Technology Services  
Environmental Resources Management  
Fair Employment Practices  
Finance  
Fire Rescue  
General Services Administration  
Government Information Center  
Historic Preservation  
Homeless Trust  
Housing Agency  
Housing Finance Authority  
Human Services  
Independent Review Panel  
International Trade Consortium  
Juvenile Services  
Medical Examiner  
Metro-Miami Action Plan  
Metropolitan Planning Organization  
Park and Recreation  
**Planning and Zoning**  
Police  
Procurement Management  
Property Appraisal  
Public Library System  
Public Works  
Safe Neighborhood Parks  
Seaport  
Solid Waste Management  
Strategic Business Management  
Team Metro  
Transit  
Task Force on Urban Economic Revitalization  
Vizcaya Museum And Gardens  
Water & Sewer

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